

1 NVB 105-2(1/15)

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10 **UNITED STATES BANKRUPTCY COURT**  
 11 **DISTRICT OF NEVADA**

12 \* \* \* \* \*

13 In re: SONIA LOPEZ ) BK 15-14086-MKN  
 14 ) CHAPTER 13  
 15 )  
 16 ) DEBTOR'S VERIFIED EX PARTE  
 17 ) MOTION FOR REFERRAL TO  
 18 ) MORTGAGE MODIFICATION  
 19 ) MEDIATION

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20 The Debtor files this Verified Ex Parte Motion for Referral to Mortgage Modification  
 21 Mediation (“Ex Parte Motion”) and requests the Court enter an Order Granting Debtor’s Ex Parte  
 22 Motion for Referral to Mortgage Modification Mediation” (“Ex Parte Order”) referring Debtor  
 23 and UNIFIED MORTGAGE SERVICE, INC (“Lender”) to Mortgage Modification Mediation  
 24 (“MMM”) and states as follows:

25 1. Debtor is an individual who has filed for bankruptcy relief under, or converted to,  
 26 chapter 13 on 7/16/2015.

27 2. Debtor requests MMM for real property (“Property”) located at the following  
 28 street address:#819 NORTH DIVISADERO STREET, VISALIA, CALIFORNIA  
 29 93291; account number for this Property is 0047(last four digits).

30 a. The Property is (check one box):

31  the Debtor’s primary residence.

✓ not the Debtor's primary residence.

b. Borrowers obligated on the promissory note and mortgage on the Property are  
(check one box):

Debtor only.

Debtor and non-filing co-obligor/co-borrower/third party.

Contact information for co-obligor/co-borrower/third party:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone:

Email:

Other:

Name: \_\_\_\_\_

Address:

Telephone:

Email:

c. If applicable, Debtor has filed with this Motion the MMM Local Form “Third Party’s Consent to Attend and Participate in Mortgage Modification Mediation” signed by each co-obligor/co-borrower/third party listed above.

3. Debtor intends to (check all boxes that apply):

modify the mortgage on the Debtor's primary residence.

- ✓ modify the mortgage on Property that is not the Debtor's primary residence.

surrender the Property to the Lender.

1       4. Prior to filing this motion, Debtor's information was entered into the court-  
2       approved on-line program that facilitates the preparation of the Debtor's loan  
3       modification package ("Document Preparation Software"). Debtor's initial loan  
4       modification forms have been generated and are ready for signature and  
5       submission. Debtor has also collected all of the required supporting  
6       documentation as required by the Document Preparation Software (such  
7       documentation and forms referred collectively to as "Debtor's Prepared  
8       Package") and is prepared to submit the supporting documentation along with the  
9       modification forms. Debtor has paid the Document Preparation Software fee to  
10       the approved vendor.

13       5. Prior to filing this motion, Debtor has determined that:

15        Lender is registered with the approved Mortgage Modification  
16       Mediation Portal ("MMM Portal");  
17        Lender is not registered. Debtor requests the Court require Lender,  
18       within seven days after the entry of the Order, to register with the  
19       MMM Portal and provide to the MMM Portal vendor any forms or  
20       documents which Lender may require to initiate a review under the  
21       MMM. The MMM Portal vendor shall post any such forms or  
22       documents to the Lender's profile on the MMM Portal.

25       6. Debtor requests Lender consider (check as many boxes as applicable):

27        a HAMP or government sponsored loan modification.  
28        a conventional loan modification.

- a deed in lieu of foreclosure.
- surrender options.
- other: \_\_\_\_\_

7. IF DEBTOR IS REQUESTING NON-RETENTION (SURRENDER) OPTIONS:

- a. Debtor will submit all additional documents required for surrender as provided for on the MMM Portal.
- b. Debtor represents that the property has not been listed for sale.

8. If the Debtor is represented by an attorney, Debtor remitted the required Mediator's fee pursuant to the MMM Procedures to the Debtor's attorney. Debtor understands and acknowledges that after the mediator is designated, the mediator's fee is not refundable for any reason at any time;
9. If the Debtor is not represented by an attorney, the Debtor obtained a money order or a cashier's check to pay the required mediator's fee pursuant to the MMM Procedures; a copy of that money order or cashier's check is attached. Debtor understands and acknowledges that after the mediator is designated, the mediator's fee is not refundable for any reason at any time;
10. Within seven days after filing the MMM Local Form "Debtor's Notice of Selection of Mortgage Modification Mediator" (or "Notice of Clerk's Designation of Mortgage Modification Mediator") or the Lender's registration on the MMM Portal, whichever occurs later, Debtor shall upload and submit through the MMM Portal, Debtor's Prepared Package, together with any additional forms or documents which Lender has posted on the MMM Portal, and pay a non-

1 refundable MMM Portal submission fee. In addition, the Debtor will upload the  
2 Order to the MMM Portal and designate the selected mediator as part of the  
3 Debtor's submission;

4

5 11. Debtor will forward the mediator's fee directly to the mediator within seven days  
6 after designation of the mediator;

7

8 12. If Debtor is represented by counsel, Debtor consents to Lender communicating  
9 directly with Debtor's attorney for any and all aspects of the mortgage  
10 modification mediation program;

11

12 13. If Debtor is not represented by counsel, Debtor may be contacted at the following  
13 phone number(s) and email address: \_\_\_\_\_  
14  
15 \_\_\_\_\_.

16 WHEREFORE, Debtor requests that the Ex Parte Motion be granted and for such other  
17 and further relief as this Court deems proper.  
18

19

20

21 **DEBTOR'S VERIFICATION**

22

23 Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury the foregoing is true and correct  
24 on October 9, 2015.

25  
26 /s/ Sonia Lopez  
27 Debtor  
28

1  
2 Submitted by:  
3  
4

/s/ Seth Ballstaedt LLC  
5 Attorney for Debtor(s)

Dated: 10/9/2015